

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 12TH MARCH 2007 / 21ST PHALGUNA 1928

WP(C).No. 30895 of 2006(C)

PETITIONER:

**G.VISWANATHAN,
VISWANATH CASHEW COMPANY, KILIKOLLOOR,
KOLLAM DISTRICT.**

BY ADV. SRI.K.V.GOPINATHAN NAIR.

RESPONDENTS:

- 1. THE DISTRICT COLLECTOR,
KOLLAM.**
- 2. THE TAHSILDAR,
REVENUE RECOVERY, KOLLAM.**
- 3. THE ASST. COMMISSIONER (ASSESSMENT),
COMMERCIAL TAXES, SPECIAL CIRCLE, KOLLAM.**

***ADDL.R4. MOHAMMED BASHEER HAJI,
PUTHENVETIL, NEDUMBANA,
MUTTEKAVU, KOLLAM DISTRICT.**

***IS IMPEADED VIDE ORDER IN I.A. NO. 16540/06 DT. 30/11/06.**

**BY ADV. SRI.P.B.SURESH KUMAR.,
GOVT. PLEADER SMT. N. SUDHADEVI.**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12/03/2007,THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

W.P.(C). NO.30895/2006:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE DEMAND NOTICE DTD. 25/02/2006.

EXT.P.2: COPY OF THE NOTICE DTD. 16/06/2006 ISSUED BY THE R.2.

EXT.P3.: COPY OF THE OBJECTION FILED BY THE PETITIONER DTD. 12/09/2006.

EXT.P.4: COPY OF THE PETITION FILED BY THE PETITIONER DTD. 02/11/2006.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 30895 OF 2006-C

JUDGMENT

The petitioner's property has been sold in public auction, to realise the sales tax arrears due to the Government. Ext.P2 is the sale notification. The petitioner has preferred Ext.P4 petition before the 1st respondent to set aside the sale, alleging irregularities in the sale.

2. I heard the learned Government Pleader for respondents 1 to 3 and also the learned counsel for the 4th respondent, who is the auction purchaser. Ext.P4 is a statutory representation. Therefore, the 1st respondent is directed to consider and pass orders on it in accordance with law, after affording an opportunity of being heard to the petitioner and also respondents 3 and 4, within six weeks from the date of production of a copy of this judgment. Confirmation of the sale will be subject to the final orders passed on Ext.P4.

The Writ Petition is disposed of as above.

12th March, 2007.

K.BALAKRISHNAN NAIR, JUDGE.

Nm/